

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

**United States of America**

v.

**Erik Stephen Foster**

**JUDGMENT IN A CRIMINAL CASE**

(For Offenses Committed On or After November 1, 1987)

**No. CR-15-00924-003-PHX-GMS**

**Molly Patricia Brizgys (CJA)**

Attorney for Defendant

USM#: 45849-408

**THE DEFENDANT ENTERED A PLEA OF** guilty on 2/19/2016 to Count 1 of the Information.

**ACCORDINGLY, THE COURT HAS ADJUDICATED THAT THE DEFENDANT IS GUILTY OF THE FOLLOWING OFFENSE(S):** violating Title 21, U.S.C. §§ 841(a)(1) and 841(b)(1)(B)(ii), Possession with Intent to Distribute Cocaine, a controlled substance, a Class B Felony offense, as charged in Count 1 of the Information.

**IT IS THE JUDGMENT OF THIS COURT THAT** the defendant is committed to the custody of the Bureau of Prisons for a term of **TWENTY-FOUR (24) MONTHS**, with credit for time served. Upon release from imprisonment, the defendant shall be placed on supervised release for a term of **FOUR (4) YEARS**.

The Court recommends that the defendant be placed in an institution in or near the State of Arizona.

**IT IS ORDERED** that the Indictment is dismissed on motion of the United States.

**IT IS FURTHER ORDERED** that defendant's interest in the following property shall be forfeited to the United States (as listed in the Information): HK P2000 .40 S&W, serial number (SN) 123-014011; HK P2000 magazine; Springfield Armory XD-45 ACP, SN XD694265; Springfield Armory XD-45 magazine; Arsenal Model SLR-1015 7.62x39 caliber, SN KP390126; 7.62x39 caliber magazine; Spikes Tactical SL-15 lower, SN SAR54721 with 5.11 sling; Magpul PMAG 5.56x45; Walther PK380, SN PK081315; Walther .380 magazine; Glock 17 9x19, SN WR838; Glock 17 magazine; Smith and Wesson 357 magnum revolver, serial number NF218732; Smith and Wesson .22 long-rifle CTG revolver, SN 3K72887; YHM Model YHM-15 5.56, SN YH021761, with EOTech optic and flashlight; Magpul PMAG 5.56x45; AR-15 Model AR15F, SN 10695, with flashlight and sling; Magpul PMAG 5.56x45; Sturm, Ruger & Co. Ruger P94, SN 308-58139; Ruger P94 magazine; Savage 308, SN F536903, with scope and sling; 5.56x45 upper receiver; LG Model L5620, SN 408CYKJ0117965; Samsung flip phone, SN R21D9AVEZ5W; Samsung Galaxy phone, SN R28G509NXPY; YAESU FM Transceiver FT-60, SN 2M580427; BAOFENG Dual Band FM Transceiver UV-5RAX+; BAOFENG Dual Band FM Transceiver UV-5RV2+; Big Horn Arms WTH-S, SN 000242; Big Horn Arms WTH-S, SN 0001000; and five rounds of Winchester 308 ammunition.

### **CRIMINAL MONETARY PENALTIES**

The defendant shall pay to the Clerk the following total criminal monetary penalties:

**SPECIAL ASSESSMENT:** REMITTED      **FINE:** WAIVED      **RESTITUTION:** N/A

On motion of the Government, the special assessment is REMITTED.

The Court finds the defendant does not have the ability to pay a fine and orders the fine waived.

### **SUPERVISED RELEASE**

It is the order of the Court that, pursuant to General Order 16-23, which incorporates the requirements of USSG §§5B1.3 and 5D1.2, you shall comply with the following conditions:

#### **MANDATORY CONDITIONS**

- 1) You must not commit another federal, state or local crime.
- 2) You must not unlawfully possess a controlled substance. The use or possession of marijuana, even with a physician's certification, is not permitted.
- 3) You must refrain from any unlawful use of a controlled substance. The use or possession of marijuana, even with a physician's certification, is not permitted. Unless suspended by the Court, you must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

#### **STANDARD CONDITIONS**

- 1) You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of sentencing or your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
- 2) After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
- 3) You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
- 4) You must answer truthfully the questions asked by your probation officer.
- 5) You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in

advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.

- 6) You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
- 7) You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
- 8) You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
- 9) If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
- 10) You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
- 11) You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
- 12) If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
- 13) You must follow the instructions of the probation officer related to the conditions of supervision.

### **SPECIAL CONDITIONS**

The following special conditions are in addition to the conditions of supervised release or supersede any related standard condition:

- 1) You shall participate as instructed by the probation officer in a program of substance abuse treatment which may include testing for substance abuse. You shall contribute to the cost of treatment in an amount to be determined by the probation officer.

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- 2) You shall submit your person, property, house, residence, vehicle, papers, or office, to a search conducted by a probation officer. Failure to submit to a search may be grounds for revocation of release. You shall warn any other occupants that the premises may be subject to searches pursuant to this condition.
- 3) You shall participate in a mental health program as directed by the probation officer which may include taking prescribed medication. You shall contribute to the cost of treatment in an amount to be determined by the probation officer.
- 4) You shall comply with the standard condition of supervision requiring full-time employment at a lawful occupation. This may include participation in training, counseling, and/or daily job searching as directed by the probation officer. If not in compliance with the condition of supervision, the defendant may be required to perform up to 20 hours of community service per week until employed as approved or directed by the probation officer.
- 5) You are prohibited from owning, maintaining or using a firearm.
- 6) You shall abstain from all use of alcohol or alcoholic beverages.

**THE COURT FINDS** that you have been sentenced in accordance with the terms of the plea agreement and that you have waived your right to appeal and to collaterally attack this matter. The waiver has been knowingly and voluntarily made with a factual basis and with an understanding of the consequences of the waiver.

The Court may change the conditions of probation or supervised release or extend the term of supervision, if less than the authorized maximum, at any time during the period of probation or supervised release. The Court may issue a warrant and revoke the original or any subsequent sentence for a violation occurring during the period of probation or supervised release.

The Court orders commitment to the custody of the Bureau of Prisons and recommends that the defendant be placed in an institution in or near the State of Arizona.

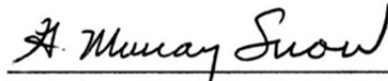
The defendant is remanded to the custody of the United States Marshal.

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Date of Imposition of Sentence: **Monday, February 27, 2017**

Dated this 28th day of February, 2017.



G. Murray Snow  
United States District Judge

RETURN

I have executed this Judgment as follows:

\_\_\_\_\_ , the institution  
defendant delivered on \_\_\_\_\_ to \_\_\_\_\_ at \_\_\_\_\_  
designated by the Bureau of Prisons with a certified copy of this judgment in a Criminal case.

\_\_\_\_\_  
United States Marshal

By:

\_\_\_\_\_  
Deputy Marshal